

Notice of Allowability

Application No.

09/468,257

Examiner

Joseph R. Pokrzywa

Applicant(s)

HANSON ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/20/04.
2. ☒ The allowed claim(s) is/are 2-4, 15, 22, 24, 31 and 33 (renumbered as claims 2-4, 1, 6, 7, 5 and 8, respectively).
3. ☒ The drawings filed on 20 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph R. Pokrzywa
JOSEPH R. POKRZYWA
EXAMINER
ART UNIT 2622

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 12/20/04, and has been entered and made of record. Currently, **claims 2-4, 15, 22, 24, 31, and 33** are pending.

Allowable Subject Matter

2. **Claims 2-4, 15, 22, 24, 31, and 33** are allowed (**renumbered as claims 2-4, 1, 6, 7, 5, and 8, respectively**).

3. The following is an examiner's statement of reasons for allowance:

Regarding independent *claims 15, 22, and 24 (renumbered claims 1, 6, and 7, respectively)*, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art to have the system, as claimed, include the features of locating a communication mark on a medium at a final addressee destination, wherein a first address for a first communication mode and a second address for a second different type of communication mode are obtained from the communication mark, and subsequently, determining whether a first communication address is available, and when it is not, using the second communication address. The closest prior art, previously indicated as Witek (U.S. Patent Number 5,461,488), and the newly cited reference of Albal (U.S. Patent Number 5,826,034), both fail to specifically teach these features. Particularly, Witek discloses a system that locates and obtains a communication mark on a received medium. However, Witek fails to teach if the communication address is different than the final addressee destination that received the medium from the sending party. Albal discloses

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a system that allows a message sender to select a primary communication mode, along with tertiary communication modes if the primary communication mode is unavailable. However, Albal fails to expressly disclose of locating a communication mark to obtain a communication address on a medium at a final addressee destination sent from the sending party. For these reasons, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Albal (U.S. Patent Number 5,826,034) discloses a system that allows a message sender to select primary and tertiary communication modes.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrp

Joseph R. Pokrzywa
Examiner
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